

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

HEMLOCK SEMICONDUCTOR
CORPORATION,

Plaintiff,

Case No. 13-cv-11037

v.

Honorable Thomas L. Ludington

DEUTSCHE SOLAR GmbH,
f/k/a DEUTSCHE SOLAR AG,

Defendant.

**ORDER PROVISIONALLY GRANTING PLAINTIFF'S MOTION TO FILE EXHIBITS
UNDER SEAL**

On March 16, 2016, Plaintiff Hemlock Semiconductor Corporation filed a Motion for Summary Judgment, ECF No. 91, and a Motion to Seal, ECF No. 92. Plaintiff's motion to seal requests leave to file certain exhibits to its motion for summary judgment under seal.

Pursuant to Local Rule 5.3(b)(A), a motion to authorize sealing must:

- (i) state the authority for sealing;
- (ii) include an identification and description of each item proposed for sealing;
- (iii) state the reason that sealing each item is necessary;
- (iv) state the reason that a means other than sealing is not available or unsatisfactory to preserve the interest advanced by the movant in support of the seal; and
- (v) have a supporting brief.

E.D. MICH. LR 5.3(b)(A).

Plaintiff's motion to seal satisfies these requirements. The brief accompanying the motion establishes that four of the exhibits are the long term supply agreements at issue. The

agreements contain confidential information that could harm the parties if disclosed to the public. The final exhibit Plaintiff seeks to seal is a report prepared by its expert that contains financial information of the companies that could likewise harm both parties if made public. Plaintiff also adequately describes each exhibit it wishes to seal, and what information those exhibits contain. This is, however, a court of public record. Thus, Plaintiff's motion to seal will be granted only on the condition that the documents are not currently necessary to an adjudicatory process. If the sealed items become relevant to an adjudicatory process (e.g., argument on the record in open court, publishing of a written opinion, etc.) this order will need to be revisited and the documents may be unsealed. Until that time, Plaintiff's motion to seal will be granted.

Accordingly, it is **ORDERED** that Plaintiff's motion to file exhibits under seal, ECF No. 92, is provisionally **GRANTED**.

Dated: March 17, 2016

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 17, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager